

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 27, 28, 30, and 31 have been amended, and claims 33-36 have been newly added. Support for the amendments is provided in paragraphs [0015] and [0016] of the published specification. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 27-32 were rejected, under 35 USC §103(a), as being unpatentable over Li et al. (US 2002/0119781) in view of Parantainen et al. (US 7,092,373). To the extent that these rejections may be deemed applicable to the amended claims, the Applicant respectfully traverses as follows.

Claim 27 now defines a base station that transmits user data on a user channel and simultaneously transmits on a control channel: (1) first allocation information indicating resources allocated for ACK/NACK signals that a mobile station returns to the base station in response to receiving the user data and (2) second allocation information indicating the destination of the user data. The claimed subject matter supports an advantage of improved data throughput.

With regard to the Applicants' claimed subject matter of a base station transmitting, on a control channel, first allocation information indicating resources allocated for ACK/NACK signals, the Office Action proposes that Li discloses, in paragraph [0044], a base station that transmits cluster allocation information identifying subcarriers assigned to a subscriber (see

Office Action page 3, lines 10-11). With regard to the Applicants' claimed subject matter of the base station transmitting second allocation information indicating the destination of user data transmitted by the base station, the Office Action proposes that Li discloses, in paragraph [0044], that the base station notifies the subscriber (see page 3, lines 11-13).

However, paragraph [0044] states that Li's base station notifies the subscriber with respect to the cluster allocation information identifying subcarriers assigned to a subscriber, and the Office Action states that this information corresponds to the Applicants' claimed first allocation information. The Office Action does not identify a finding of fact to support a reasonable inference that Li discloses the Applicants' claimed subject matter of transmitting second allocation information indicating the destination of user data transmitted by the base station. Thus, it necessarily follows that no reasonable inference may be drawn that Li discloses the Applicants' claimed subject matter of simultaneously transmitting, on a control channel, second allocation information indicating the destination of user data along with first allocation information indicating resources allocated for ACK/NACK signals. And the Final Rejection, dated November 10, 2008, acknowledges that Li fails to disclose the Applicants' claimed second allocation information and transmitting this information simultaneously with the Applicants' claimed first allocation information on the same channel (see Final Rejection, dated November 10, 2008, page 3, lines 15-18).

Moreover, Li does not disclose the Applicants' claimed subject matter of transmitting user data on a user channel.

Parantainen is not cited for supplementing the teachings of Li with respect to the above-mentioned subject matter distinguishing claim 27 from Li.

Accordingly, Applicant submits that, even if Li and Parantainen were combined as proposed in the Office Action, the result still would lack the above-noted features of claim 27, and thus these references, considered individually or in combination, do not render obvious the subject matter now defined by claim 27. Independent claim 30 now similarly recites the above-mentioned subject matter distinguishing apparatus claim 27 from the applied references, but with respect to a method. Also, new claim 36 similarly recites this distinguishing subject matter, but with respect to a mobile station that receives the above-mentioned information transmitted by the base station of claim 27. Therefore, allowance of claims 27, 30, and 36 and all claims dependent therefrom is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

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JEL/DWW/att

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